

Applicant: Jan Wietza Huisman
Application Serial No.: 10/575,442
Filing Date: November 3, 2006
Docket No.: 294-249 PCT/US
Response to Non-Final Office Action Mailed April 18, 2008

REMARKS

The non-final Office Action mailed April 18, 2008 and the references cited therein have been carefully considered. Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the issues raised in the non-final Office Action is addressed herein.

Claims 1-8 are now pending in the application, although Claim 3 has been canceled by this amendment. Additionally, Claims 1 and 6-8 are hereby amended. The amendments to Claims 1 and 6-8 correspond to the language contained in the specification and/or shown in the drawings. In particular, in Claim 1 support for the “inner package” being changed to the “inner space” can be found in the Specification at page 2, lines 7-8. Also, the further amendments to Claim 1 incorporate subject matter from previously pending Claim 3 (hereby cancelled). Support for the amendment to Claim 7 can be found in Figure 1, as well as the specification at page 4, lines 25-28. Additionally, Claims 6-8 were amended to overcome the objections and rejections under 35 U.S.C. §112, first and second paragraphs as discussed below. Accordingly, no new matter has been introduced by this amendment.

Claim Objections

In the Office Action, Claim 8 is objected to for reciting various informalities. Applicant appreciates the Examiner’s suggestions in this regard and has amended Claim 8 to incorporate the Examiner’s suggestions. In particular, Claim 8, line 1, has been amended to

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change the phrase “packaging products” to read --packaging one or more products--. Also, in Claim 8, lines 5 and 9 the phrase “the or each” has been changed to read --the one or more--. Accordingly, Applicant respectfully requests the objection to Claim 8 be withdrawn.

Claim Rejections under 35 U.S.C. §112

In the Office Action, Claim 7 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action rejects the limitation in Claim 7 that the bearing flaps “include an acute angle with the bottom face. By this amendment, Claim 7 has been changed to read “the bearing flaps forming bearing parts which bearing flaps when the box is set up ~~they include an acute~~ are disposed at a right angle with the bottom face.” Support for this change can be found in Figure 1, where the bearing flaps 13 are shown perpendicular to the bottom face 2. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §112, first paragraph to Claim 7 be withdrawn.

In the Office Action, Claims 1 and 6-8 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 1 has been amended to clarify that the outer package is folded in the “inner space,” rather than the inner package as previously inadvertently recited. Additionally, Claim 6 has been amended to remove trademark reference. Also, Claim 7 has been amended to clarify that it is “the blank,” which is the subject of the claim. Finally, Claim 8 has been amended to replace “said accessories” with “the at least one accessory” in order to provide proper antecedent basis. Accordingly,

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Applicant respectfully requests the rejection under 35 U.S.C. §112, second paragraph to Claims 1 and 6-8 be withdrawn.

Claim Rejections under 35 U.S.C. §102

In the Office Action, Claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,823,352 to Mena et al. (**Mena**). The Office Action contends that the **Mena** patent discloses all of the features of the rejected claims. Applicant respectfully traverses this rejection. Contrary to the contention in the Office Action, Mena does not teach an inner package borne on at least two bearing parts. In Mena, the inner package (58) is borne on further insert (14), which is part of an inner package and not the outer package, as recited in Claim 1. As shown in FIGS. 1 and 2 of Mena, slits (50) are provided in the sidewalls of the outer shell 12. The slits (50) are adapted to receive tabs (48) of an insert (14) and to allow the tabs to move up and down within the slit (50) as support members (46) compress and expand (Mena, col.6, lines 31-39). Accordingly, Mena does not disclose or suggest an outer package having at least two bearing parts as recited in Independent Claim 1. Accordingly, Applicant respectfully requests the rejection of Claims 1, 3 and 5 under 35 U.S.C. §102(b) as being anticipated by Mena be withdrawn.

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by British Patent 1,511,138 to King (**King**). The Office Action contends that the **King** patent discloses all the features of the rejected claims. Applicant respectfully traverses this rejection. Contrary to the contention in the Office Action, King does not disclose an inner package having form cavities in which a product can be received as recited in amended Claim

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1 (previously from Claim 3). Rather, King discloses a sheet having apertures (23), which pass through sheet (22) and do not form a cavity. A cavity in accordance with the present invention forms a hollow space 27 like a pit for receiving a product. Additionally, the corner flaps (13) of King are struck from the inner panels adjacent edges of the blank by cut lines (14) and remain hinged to the inner panels along hinge lines (15). In contrast in the present invention, each inner sidewall flap 11 is provided with a bearing flap 13 connected to the respective inner sidewall flap 11 by a third folding 14 which is approximately at right angles to the first folding lines, as recited in amended Claim 7. Accordingly, Applicant respectfully requests the rejection of Claims 1, 3-5 and 7 under 35 U.S.C. §102(b) as being anticipated by King be withdrawn.

Claim Rejections under 35 U.S.C. §103

In the Office Action Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over **Mena**. Also, Claim 6 is rejected in the Office Action as being unpatentable over **Mena** in view of U.S. Patent No. 5,459,258 to Merrill et al. (**Merrill**). Additionally, Claim 8 is also rejected under 35 U.S.C. §103 as being unpatentable over **Mena** in view of U.S. Patent No. 2,375,843 to Gottlieb (**Gottlieb**). Applicant respectfully traverses all these rejections. For the reasons cited above, the Mena patent fails to disclose all the features of Claim 1, from which Claims 2, 6 and 8 depend. Additionally, Merrill does not disclose an inner package, nor bearing flaps of an outer package. Thus, neither Mena alone or the combination of Mena and Merrill disclose or suggest all the limitations of Claims 2 and 6. Further, Gottlieb fails to disclose or suggest an inner package borne on bearing flaps of an

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outer package. Thus, neither Mena alone or the combination of Mena and Gottlieb disclose or suggest all the limitations of Claims 8. Accordingly, Applicant respectfully requests the rejection of Claims 2, 6 and 8 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Entry of the amendments herein and favorable consideration of Claims 1, 2 and 4-8 are hereby solicited. In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicant's attorney at the telephone number provided.

Respectfully submitted,

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